

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicant:	Karl Jacob, et al	Examiner:	Ajay M. Bhatia
Serial No.:	10/015,968	Group Art Unit:	2145
Filed:	12-06-2001	Docket No.:	076705-201002/US
Confirmation:	7335		
Title:	APPARATUS AND METHOD FOR SPECIFYING AND OBTAINING SERVICES THROUGH AN AUDIO TRANSMISSION MEDIUM		

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**CERTIFICATE UNDER 37 CFR 1.8**

I hereby certify that this correspondence and identified enclosures are being mailed or transmitted on March 5, 2007 by being: ☐ Addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and deposited with the U.S. Postal Service with sufficient postage as first class mail; ☐ Transmitted by facsimile to the Patent and Trademark Office; or ☒ Transmitted via the Office electronic filing system.

/AnneCollette/

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**RESPONSE TO FINAL OFFICE ACTION**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

In response to the Office Action mailed October 4, 2006, please kindly enter the following amendments and consider the following remarks/arguments:

**Amendments to the Claims** are reflected in the list of claims that begins on page 2 of this paper;  
and

**Remarks/Arguments** begin on page 12 of this paper.

## **CLAIMS**

1. (Currently Amended) A method comprising:  
receiving from a user one or more search criteria ~~in an audio form~~, via an audio transmission medium, ~~from a user, the one or more search criteria including a field of service desired by the user;~~  
~~searching a service provider database according to the one or more search criteria to generate a list of one or more service providers;~~  
presenting the a list of one or more service providers in an audio form to the user ~~according to the one or more search criteria, wherein the list includes one or more descriptions received from the one or more service providers;~~  
determining a selection of the user for a selected service provider from the list ~~of one or more service providers;~~ and  
connecting the user with the selected service provider for a live conversation via the audio transmission medium;  
detecting a completion of the live conversation between the user and the selected service provider; and  
prompting the user for a quality of service rating for services rendered by the service provider in response to a detected completion of the live conversation.
2. (Currently Amended) The method of claim 1, further comprising:  
converting the one or more search criteria from ~~the~~ an audio form into a database query to search ~~the~~ a service provider ~~database;~~ database, comprising  
responsive to ~~wherein when the one or more search criteria include~~ a voice entry of a search criterion, converting the voice entry utilizing interactive voice recognition software; and

~~responsive to wherein when the one or more search criteria include~~ a keypad entry  
of a search criterion, converting a signal generated by the keypad entry  
utilizing a Dual Tone Multi-Frequency (DTMF) decoder.

3. (Currently Amended) The method of claim 1, further comprising:  
receiving a request from a service provider ~~of a field of service~~ for inclusion in ~~the~~ a  
service provider database; and  
when the service provider is approved for inclusion in the service provider database,  
generating a record in the service provider database, the record including provider  
information contained in the request, wherein the provider information includes a  
field of service, one or more of specific expertise of the service provider, and one  
or more languages spoken by the service provider.
4. (Original) The method of claim 1, further comprising:  
billing the user for the live conversation with the selected service provider; and  
compensating the selected service provider for the live conversation with the user.
5. (Original) The method of claim 4, wherein the billing the user further comprises:  
measuring a duration of the live conversation between the user and the selected service  
provider; and  
calculating a billing amount for the user based on the duration of the live conversation  
and a time-based price charged by the selected service provider.
6. (Original) The method of claim 4, wherein the billing the user further comprises:  
calculating a billing amount for the user based on a flat fee charged by the service  
provider.

7. (Previously Presented) The method of claim 1, wherein the one or more search criteria include one of a voice request and a keypad entry response and one or more of a category of service providers, a service provider price, service provider availability, service provider specific expertise, service provider language and a service provider minimum quality rating.
8. (Currently Amended) The method of claim 1, further comprising:  
providing the user with an audio list of a wide array of fields of service available from the audio portal service provider system; and  
providing the user with a unique audio field of service code corresponding to each field of service within the audio list of fields of service, wherein an keypad entry of a field of service code is received via the audio transmission medium to select a desired field of service for the one or more search criteria;  
~~wherein at least one of the one or more search criteria is not a selection from an option list.~~
9. (Currently Amended) The method of claim 1, ~~wherein following the connecting the user with the selected service provider, the method further comprising comprises:~~  
~~responsive to completion of the live conversation between the user and the selected service provider, prompting the user for a quality of service rating for services rendered by the service provider; and~~  
recording the service rating provided by the user in ~~the~~ a service provider database.
10. (Currently Amended) The method of claim 1, wherein determining the selection of the user further comprises:

when the selection of the user includes a voice request, converting the voice request into a database query language format using integrated voice recognition software to determine the service provider selected by the user;

when the selection of the user includes a keypad entry response, converting a signal generated by the keypad entry response into a database query language format to determine the service provider selected by the user; and

querying ~~the a~~ service provider database according to ~~the generated a query generated~~ according to the selection to select the service provider desired by the user.

11. (Currently Amended) A computer readable storage medium including program instructions contained on a computer readable memory to direct a computer to ~~function in a specified manner perform a method, when the instructions are executed by a processor, the manner method comprising:~~  
receiving from a user one or more search criteria ~~in an audio form, via an audio transmission medium, from a user, the one or more search criteria including a field of service desired by the user;~~  
~~searching a service provider database according to the one or more search criteria to generate a list of one or more service providers;~~  
presenting ~~the a~~ list of one or more service providers in an audio form to the user;  
~~wherein the list includes one or more descriptions received from the one or more service providers according to the one or more search criteria;~~  
determining a selection of the user for a selected service provider from the list ~~of one or more service providers; and~~  
connecting the user with the selected service provider for a live conversation via the audio transmission medium;  
detecting a completion of the live conversation between the user and the selected service provider; and

prompting the user for a quality of service rating for services rendered by the service provider in response to a detected completion of the live conversation.

12. (Currently Amended) The computer readable storage medium of claim 11, wherein the ~~manner~~ method further comprises:  
converting the one or more search criteria from the audio form into a database query to search the service provider ~~database;~~ database, comprising  
~~responsive to wherein when the the one or more search criteria include~~ a voice entry of a search criterion, converting the voice entry utilizing interactive voice recognition software; and  
~~responsive to wherein when the the one or more search criteria include~~ a keypad entry of a search criterion, converting a signal generated by the keypad entry utilizing a Dual Tone Multi-Frequency (DTMF) ~~decoder~~ decoder.
13. (Currently Amended) The computer readable storage medium of claim 11, wherein the ~~manner~~ method further comprises:  
receiving a request from a service provider ~~of a field of service~~ for inclusion in the service provider database; and  
when the service provider is approved for inclusion in the service provider database, generating a record in the service provider database, the record including provider information contained in the request, wherein the provider information includes specific expertise of the service provider, and one or more languages spoken by the service provider.
14. (Currently Amended) The computer readable storage medium of claim 11, wherein the ~~manner~~ method further comprises:  
billing the user for the live conversation with the selected provider; and

compensating the selected service provider for the live conversation with the user.

15. (Previously Presented) The computer readable storage medium of claim 14, wherein said billing the user further comprises:  
measuring the duration of the live conversation between the user and the provider; and  
calculating a billing amount for the user based on the duration of the live conversation  
and a time-based price charge by the provider.
16. (Previously Presented) The computer readable storage medium of claim 14, wherein said billing the user further comprises:  
calculating a billing amount for the user based on a flat fee price charge by the provider.
17. (Previously Presented) The computer readable storage medium of claim 11, wherein the one or more search criteria include one of a voice request and a keypad entry response and one or more of a category of service providers, a service provider price, service provider availability, service provider specific expertise, service provider language and a service provider minimum quality rating.
18. (Currently Amended) The computer readable storage medium of claim 11, wherein the ~~manner~~ method further comprises:  
providing the user with an audio list of a wide array of fields of service available from the  
audio portal service provider system; and  
providing the user with a unique audio field of service code corresponding to each field  
of service within the audio list of fields of service, wherein an keypad entry of a  
field of service code is received via the audio transmission medium to select a  
desired field of service for the one or more search criteria;

~~wherein at least one of the one or more search criteria is not a selection from an option list.~~

19. (Currently Amended) The computer readable storage medium of claim 11, wherein ~~following the instruction for connecting the user with the selected service provider, the manner method~~ further comprises:  
~~responsive to completion of the live conversation between the user and the selected service provider, prompting the user for a quality of service rating for services rendered by the service provider, and~~  
recording the service rating provided by the user in the service provider database.
20. (Currently Amended) The computer readable storage medium of claim 11, wherein said determining the selection of the user further comprises:  
when the selection of the user includes a voice request, converting the voice request into a database query language format using integrated voice recognition software to determine the service provider selected by the user;  
when the selection of the user includes a keypad entry response, converting a DTMF signal generated by the keypad entry response into a database query language format in order to determine the service provider selected by the user; and  
querying ~~the a~~ service provider database according to ~~the generated a query generated according to the selection~~ to select the service provider desired by the user.
21. (Currently Amended) An audio portal service provider system comprises:  
an interface to an audio transmission medium;  
an audio recognition engine coupled to the interface to receive one or more search criteria in an audio form from a user, via the audio transmission medium; and



a processor coupled to the audio recognition engine and the interface, the processor to search a service provider database according to the one or more search criteria to generate a list of one or more service providers for presentation to the user in an audio form, the processor to further determine a selection of the user for a selected provider from the list ~~of one or more service providers~~ via the audio recognition engine, and the process to cause the interface to connect the user with the selected service provider for a live conversation via the audio transmission medium, the processor to detect a completion of the live conversation between the user and the selected service provider and to prompt the user for a quality of service rating for services rendered by the service provider in response to a detected completion of the live conversation ~~wherein the list includes one or more descriptions received from the one or more service providers.~~

22. (Previously Presented) The system of claim 21, further wherein:

the interface is coupled to the processor to provide the user with an audio list of available fields of service providers, accept a field of service desired by the user, provide the user with a list of one or more service providers stored in a service provider database which match the one or more search criteria and the field of service desired by the user, and receive a selection from the user for a selected provider.

23. (Previously Presented) The system of claim 21, further comprising:

a network interface coupled to the processor to receive a request from a service provider of a field of service for inclusion in the service provider database, and the processor to generate a record for storage in the service provider database, the record including provider information contained in the request.

24. (Previously Presented) The system of claim 23, wherein the provider information includes specific expertise of the service provider, and one or more languages spoken by the service provider.
25. (Previously Presented) The system of claim 21, wherein the interface comprises:  
a public switched telephone network interface;  
wherein the processor searches the service provider database to generate the list of one or more service providers based at least partially on information indicating availability for service providers to conduct live conversation.
26. (Currently Amended) The system of claim 21, wherein the interface comprises:  
a wireless communications network interface;  
~~wherein at least one of the one or more search criteria is not a selection from an option list.~~
27. (Currently Amended) The method of claim 1, wherein the one or more search criteria include a field of service desired by the user; and the field of service is provided by the user over the audio transmission medium without the user browsing through a list of available fields of services via the audio transmission medium. ~~does not correspond to one or more selections according to a menu system; and said searching the service provider database is not based exclusively on one or more selections according to a menu system.~~
28. (Currently Amended) The method of claim 1, wherein at least one of the one or more search criteria is provided by the user over the audio transmission medium without the user receiving a list of available options over the audio transmission medium. ~~include an aspect of desired expertise of service providers for the field of service that is provided~~

~~over the audio transmission medium, the aspect of desired expertise being not an a  
selection from an option list.~~

## REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Claims 1-28 were rejected. Applicant respectfully disagrees. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. No new matter has been added.

### Rejections Under 35 U.S.C. §103(a)

Claims 9 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0003867 (“Rothschild”), in view of U.S. Patent No. 6,658,389 (hereinafter “Alpdemir”). The Office Action asserted that “Presently as written applicant is failing to differentiate this the claims fails to discuss if this occurs doing the same call or a subsequent call”. Applicant respectfully disagrees.

To expedite the prosecution of the application, Applicant amended independent claims to include the limitation of “detecting a completion of the live conversation between the user and the selected service provider; and prompting the user for a quality of service rating for services rendered by the service provider *in response to a detected completion of the live conversation*” in independent claims 1 and 11 and to include the limitation of “the processor to detect a completion of the live conversation between the user and the selected service provider and to prompt the user for a quality of service rating for services rendered by the service provider *in response to a detected completion of the live conversation*” in independent claim 21. See also Figure 9 of the present application and the associated description for an example.

In the combination of Rothschild and Alpdemir suggested in the Office Action, the consumer user calls back **later** in a separate call to provide feedback. For example, Alpdemir shows

“a consumer user having been referred to a restaurant using inventive system can later call in using a toll-free or free local phone number and provide

feedback, such as in the form of a rating, relative to their experience.” (Col. 11, lines 64-67, Alpdemir).

In the combination of Rothschild and Alpdemir suggested in the Office Action, there is no operations of detecting of a completion of the live conversation and then prompting the user for a quality of service rating in response to a detected completion of the live conversation. According to the disclosure of Alpdemir, the rating is provided in a separate call initiated by the consumer specifically for the purpose of providing feedback, not in response to a prompt provided in response to a detected completion of the live conversation.

Other references cited in the Office Action, such as U.S. Patent 6,173,279 (“Levin”) and U.S. Patent No. 5,901,214 (“Shaffer”) are not sufficient to bridge the gap discussed above. Thus, at least for the above reasons, the pending claims are patentable over the cited references.

#### Double Patenting Rejections

Claims 1, 3-6, 9, 11, 13-16, 19 and 21-26 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 18-28 of U.S. Patent No. 6,636,590. Applicant respectfully disagrees.

Claims 1-15 and 18-28 of U.S. Patent No. 6,636,590 do not recite the feature of “detecting a completion of the live conversation between the user and the selected service provider”.

Further, without admitting the propriety of the rejection, Applicant respectfully submits that upon an indication of allowed claims a terminal disclaimer could be submitted to overcome the obviousness-type double patenting rejection.

#### Rejections Under 35 U.S.C. §112

Claims 8, 18 and 26-28 were rejected under 35 U.S.C. §112 for failing to disclose the feature “not a selection from an option list”. Applicant respectfully disagrees.

To expedite the prosecution of the application, claims 8, 18 and 26 have been amended to remove such a limitation. Claims 27 and 28 are amended to recite

27. (Currently Amended) The method of claim 1, wherein the one or more search criteria include a field of service desired by the user; and the field of service is provided by the user over the audio transmission medium without the user browsing through a list of available fields of services via the audio transmission medium.
28. (Currently Amended) The method of claim 1, wherein at least one of the one or more search criteria is provided by the user over the audio transmission medium without the user receiving a list of available options over the audio transmission medium.

For example, the specification of the present application discloses:

“the service seeker is presented the option to browse available fields of service or enter the extension or identification (ID) code of a desired service provider for automatic connection when the provider is available” (Paragraph [00041], page 12, the specification of the present application)

From this description, one understands that, in one embodiment, the system provides at least two ways to specify a desired field of service: browsing through available fields, or entering a code without browsing through the available fields.

Further, the specification of the presentation discloses:

“Alternatively, the seeker indicates which type of service he would like to receive by speaking the name of a profession, such as "psychiatrist," which is processed by the system's audio interface 308 using audio interface procedures 322. Otherwise, the user 102 can listen to a series of professions and press the numerical keypad to select one.” (Paragraph [00042], page 12, the specification of the present application)

From this description, one understands that, in one embodiment, the system provides a way to specify a desired field of service by speaking the name of a profession, and another way to specify a desired field of service by listen to a series of professions and make a selection.

Applicant is entitled to limit the claims 27 and 28 to certain ways disclosed in the specification. The withdrawal of the rejection under 35 U.S.C. §112 is respectfully requested.

### **CONCLUSION**

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

Date: March 5, 2007

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